

West Virginia Highlands Conservancy
PO. Box 306
Charleston, WV 25321

Non-Profit Org.
U.S. Postage PAID
Permit No. 300
Elkins, WV



The Highlands Voice

Since 1967, The Monthly Publication of the West Virginia Highlands Conservancy

Volume 57

No. 1

January 2025

Environmental groups sue South Fork Coal over damages near Cranberry Wilderness

The West Virginia Highlands Conservancy and Appalachian Voices sued South Fork Coal Company on Dec. 16, 2024, for ongoing violations of the federal Clean Water Act and Surface Mining Control and Reclamation Act at five coal mines in Greenbrier County, West Virginia. The groups are being represented by Appalachian Mountain Advocates based in Lewisburg, West Virginia.

The suit identifies numerous violations in which the company has continued to discharge pollutants into nearby waterways at levels exceeding legal limits. Despite these ongoing violations — some persisting for more than five years — the West Virginia Department of Environmental Protection has taken no effective action, allowing unlawful water contamination to con-



Widespread surface mining and timbering operations by South Fork Coal Company in Greenbrier County, West Virginia. (Photo courtesy of Allegheny-Blue Ridge Alliance)

tinue unchecked.

Additionally, today's filing points to South Fork Coal Company's repeated failures to submit required water quality assessments to regulators or to clean up disturbed areas after coal extraction is complete. The company's neglect of water quality and reclamation requirements puts the environment, local communities, and the budding ecotourism economy of the area at risk.

The mines are adjacent to the Monongahela National Forest, about six miles from the popular Cranberry Glades Wilderness Area, and two miles from the Falls of Hills Creek Scenic Area, among other nearby ecotourism destinations.

The five mines — Lost Flats #1 and

continued on page 3

What's inside:

Thoughts From Our President	2	Regulators Target Justice's Mine	5	Stopping Illegal Coal Hauling	8
South Fork Coal Lawsuit continued	3	Bottled Water vs. Tap Water	6	Meet the new Managing Editor	10
Blackwater Canyon Ownership	3	WV: A Stargazing Destination	7	Conservationists Fight Coal Road	11
WVHC Store Catalog	4	Remembering Nick Zvegintzov	8	Mon National Forest Hiking Guide	12

Visit us on the web at wvhighlands.org

Find us on Facebook

Thoughts from our president

I am happy to extend a hearty WVHC welcome to our newest staff member, Jordan Howes. Jordan joins us as communications coordinator, a new position at WVHC, and will work on The Highlands Voice, social media, and other initiatives that connect us to the environmental issues that most important to West Virginians. For inquiries or story ideas, you can reach her at jordan.howes@wvhighlands.org.

Happy New Year to all our members, friends, families and supporters! As we step into 2025, a year that looks to be challenging, let's take a moment to celebrate the many positive achievements of 2024. Here are just a few highlights from WVHC and our allies:

The Highlands Conservancy and Appalachian Voices have filed a lawsuit against South Fork Coal Company for continued violations of the federal Clean Water Act and Surface Mining Control and Reclamation Act at five coal mines in Greenbrier County, West Virginia. The coal company has been discharging pollutants into nearby waterways for years. We thank Andrew Young for leading this critical effort.

To publicize this effort, our program director, Olivia Miller, created a compelling video that described the damage being done. The video has garnered over 178,000 views on Instagram, spreading the word far and wide. Thank you, Olivia!

Congratulations to Judy Rodd and Friends of Blackwater! After a 25-year battle, Judy was instrumental in facilitating the transfer of 2,700 acres of land adjacent to Blackwater Falls State Park



Photo captured by Frank Gebhard with Allegheny Aperture Photo

to the U.S. Forest Service. The Blackwater Canyon is now fully protected, thanks to the dedicated efforts of the Friends of Blackwater and other environmental groups.

The Nature Conservancy of West Virginia has purchased Dobbins Slashings and will protect its unique ecosystem. Conserving this area has long been a goal of the environmental community due to its high-elevation wetlands, unique biodiversity, and headwater streams adjacent to Dolly Sods

These accomplishments are just a few examples of the hard work and dedication within our environmental community.

Now we face the 2025 WV Legislative Session which will convene on Feb. 12. Our new Vice President for State Af-

fairs, Luanne McGovern, will be working with our lobbyists and the West Virginia Environmental Council to block any assaults on our public lands while proactively working to protect our water and air.

On the infrastructure front, the Highways Committee continues the lengthy battle to advocate for the north route for Corridor H, working to inform the residents of Wardensville and Tucker County of the coming highway.

In the realm of conservation, the Dolly Sods Wilderness Stewards, part of our Public Lands Committee, continues under the able leadership of Dave Johnston, in partnership with the U.S. Forest Service. You may recall that the program won the "Spirit of West Virginia" award from the State Department of

Tourism in 2024. The program has expanded with the addition of the Backcountry Stewards who assist hikers and monitor the backcountry of Dolly Sods.

And lastly, our wonderful coloring book is on sale in the WVHC store as is the second edition of Jim Van Gundy's "The Nature and Scenery of the West Virginia Highlands: With a Motorist's Guide."

Again, Happy New Year to everyone! Thoughts, comments and volunteers are always welcome. Please feel free to reach out to me at marilyn.shoenfeld@gmail.com.

Sincerely,

Marilyn Shoenfeld
WVHC President

THE WAY THE VOICE WORKS

The Highlands Voice is the official publication of the West Virginia Highlands Conservancy. While it is the official publication, every story in it does not represent an official position of the Conservancy. While all of our members share the general goal "to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the nation," our members often have differing views upon the best way to do that.

As a result, stories in The Voice often reflect different points of view. The Conservancy itself, however, only speaks through its Board. The only stories that reflect the official policies of the Conservancy are those reporting Board actions, including litigation positions we have taken, comments on proposed regulations, etc.

Environmental groups sue South Fork Coal over damages near Cranberry Wilderness *continued from page 1*

#2 Surface Mines, Blue Knob Surface Mine, Laurel Creek Contour #1 Mine, and Rocky Run Surface Mine — all discharge pollutants into the Laurel Creek Watershed and/or the South Fork of the Cherry River Watershed. Both streams feed into the Gauley River, an internationally renowned destination for whitewater rafting and kayaking. These waterways are also home to the endangered candy darter and are identified as trout streams by the state.

West Virginia Highlands Conservancy, Appalachian Voices, Greenbrier River Watershed Association, Kanawha Forest Coalition and the Sierra Club are already engaged in litigation with the U.S. Forest Service over the service's issuance of road use authorization to South Fork Coal Company without following National Environmental Policy Act and Endangered Species Act requirements. Appalachian Voices is also suing the Office of Surface Mining Reclamation and Enforcement and the U.S. Fish and Wildlife Service over failures

to enforce endangered species requirements on over 400 mines across the Appalachian region, including South Fork Coal Company's operations. Attorneys with the Center for Biological Diversity are representing the conservation groups in both of those cases.

On Thursday, Dec. 12, 11 organizations sent a letter to Office of Surface Mining Reclamation and Enforcement Principal Deputy Director Sharon Bucino, urging the agency to take immediate action and shut down an illegal coal haul road operated by South Fork Coal Company across the Monongahela National Forest.

South Fork Coal's operations have repeatedly violated permitted effluent limits for iron, manganese, aluminum, sediment and acid mine drainage, according to the company's own monitoring reports. The company has exceeded the allowable effluent limit for manganese by as much as 994%, for aluminum by as much as 908%, for iron by as much as 189%, and for sediment by as

much as 103%. When discharged into nearby rivers, streams or soil, coal effluent can harm ecosystems, contaminate drinking water sources and affect the health of both wildlife and humans. Sediment, in particular, threatens the endangered candy darter.

"We call on South Fork Coal Company to fulfill its clear legal obligations and halt the ongoing assault on our invaluable natural resources," said **Andrew Young, extractive industries committee chair for the West Virginia Highlands Conservancy.** "These cherished landscapes — home to endangered species, pristine waterways, and resilient communities — are an American birthright to be protected in public trust, not a disposable commodity for King Coal's profiteering. Access to clean water is a human right. Every day that these toxic discharges continue, people's health is jeopardized, vital ecosystems suffer, and the rule of law is subverted. Such contempt for community well-being and environmental

integrity is indefensible. We will continue to advocate for accountability and will never stop fighting for a reality where our people, wildlife, and waters are protected for generations to come."

"South Fork Coal Company is running roughshod over these headwater streams of the Cherry and ultimately the Gauley River, showing no consideration for Richwood and other downstream communities that depend on these rivers for drinking water, recreation, spiritual grounding and as a lynchpin for their local economies," said **Willie Dodson, coal impacts program manager for Appalachian Voices.** "The money people spend coming into this area to hike, kayak and fish is crucial for the new economy that local leaders and entrepreneurs are working so hard to build. By polluting the water, and neglecting to clean up the gashes its strip mines have cut into the land, South Fork Coal Company is jeopardizing those efforts."

After decades of advocacy, 2,700 acres of Blackwater Canyon now in public ownership

The West Virginia conservation group Friends of Blackwater is pleased to announce the successful culmination of a 25-year campaign to ensure the full protection of Blackwater Canyon in Tucker County as a publicly owned natural and recreational resource.

The 10,000-acre canyon, which includes Blackwater Falls State Park, is home to dozens of rare plant and animal species and serves as an outdoor recreational centerpiece for the West Virginia Highlands economy.

An agreement forged by outgoing U.S. Sen. Joe Manchin, D-W.Va., between the U.S. Forest Service and the John Crites family on Dec. 30, 2024, will

transfer more than 2,700 acres of privately owned forestland and river corridor in the canyon to the Monongahela National Forest. This marks a historic achievement for conservation and for the people of West Virginia, ensuring that future generations can enjoy the canyon's breathtaking beauty and ecological richness.

The late U.S. Sen. Robert C. Byrd once described Blackwater Canyon as West Virginia's scenic "Crown Jewel" and called for its full protection. Gov. Cecil Underwood acquired 450 acres in the canyon for public ownership — including the iconic Lindy Point overlook, featured on countless tourism

brochures. Gov. Bob Wise subsequently added 500 acres to Blackwater Falls State Park, and citizens later selected the canyon as the state's most "special place." After years of effort, Gov./Sen. Joe Manchin then took up the cause and brokered the recent Forest Service acquisition with the backing of Sen. Shelley Moore Capito, R-W.Va.

Friends of Blackwater Director Judy Rodd expressed deep gratitude to the many individuals and organizations that helped make this achievement possible.

"We all owe an immense debt of gratitude, especially to Sen. Manchin

continued on page 7



The view from the infamous Lindy Point in the Blackwater Canyon. (Photo by Frank Gebhard, Allegheny Aperture Photo)

West Virginia Highlands Conservancy Online Store Catalog

Apparel

- WVHC Cotton Hat (Black or Army Green): \$22.50
- WVHC Hemp Hat (Black or Green): \$25.00
- WVHC 100% Cotton T-Shirts (Coyote Brown, Kelly Green, Navy Blue, Black) Available in XS-XXL: \$22.00
- Black 50th Anniversary T-Shirt with "Celebrating 50 years" logo. Available in Small-XXL: \$20.00
- I Love Mountains T-Shirt Short Sleeve. Available in M-XXL: \$18.00
- I Love Mountains T-Shirt Long Sleeve. Available in S, M, L, XL: \$22.00
- I Love Mountains Toddler T-Shirts. Available in 18-months, 2T, 3T, 4T, 5/6: \$20.00
- Square Black Bandana: \$5.00

Please include \$6.25 shipping for Apparel items

Drinkware

- WVHC Hydro Flask 20 oz. All Around Tumbler (Birch, Indigo, Black): \$35.00 + \$5.50 shipping
- WVHC Hydro Flask 21 oz. Standard Mouth Flex Cap Water Bottle (Pacific, Mesa, Indigo): \$45.00 + \$5.50 shipping

Stickers

- I Love Mountains Bumper Sticker: \$3.00 for one, \$12.00 for 20

Books

- Monongahela National Forest Hiking Guide, 9th Edition: \$21.95 + \$5.38 shipping
- Fighting to Protect the Highlands: \$15.95 + \$5.38 shipping
- The Nature and Scenery of the West Virginia Highlands, 2nd Edition: \$29.95 + \$5.38 shipping

To order by mail make checks payable to West Virginia Highlands Conservancy and send to P.O. Box 306, Charleston, WV 25321. Please indicate the item and relevant color and size if applicable. To view and purchase store items online, visit wvhighlands.org

BUMPER STICKERS

To get free I ♥ Mountains bumper sticker(s), send a SASE to P.O. Box 306, Charleston, WV, 25321. Slip a dollar donation (or more) in with the SASE and get two bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free.



Roster of Officers, Board Members and Committee Chairs

PRESIDENT: Marilyn Shoenfeld, Davis, WV
 SENIOR VICE PRESIDENT: Randy Kesling, Bridgeport, WV
 VICE PRESIDENT FOR STATE AFFAIRS: Luanne McGovern, Charleston, WV
 SECRETARY: John McFerrin, Morgantown, WV
 TREASURER: George Hack, Bel Air, MD
 PAST PRESIDENT: Larry Thomas, Circleville, WV

DIRECTORS-AT-LARGE (Terms expire October 2025)

Andrew Young, Charlottesville, VA
 George Hack, Bel Air, MD
 Rick Webb, Monterey, VA
 Hugh Rogers, Kerens, WV
 Susan Rogers Rosenblum, Davis, WV

DIRECTORS-AT-LARGE (Terms expire October 2025)

Jackie Burns, Davis, WV
 Cynthia D. Ellis, Red House, WV
 Buff Rodman, Oakmont, PA
 Bob Marshall, Charleston, WV
 Tyler Cannon, Charleston, WV

DIRECTOR EMERITUS: George E. Beetham Jr., Glenside, PA

ORGANIZATIONAL DIRECTORS

BROOKS BIRD CLUB: Cindy Slater
 MOUNTAINEER CHAPTER TROUT UNLIMITED: Randy Kesling, Bridgeport, WV
 FRIENDS OF THE CHEAT: Sarah Hinnant, Masontown, WV
 WEST VIRGINIA RIVERS COALITION: Mike Jones, Morgantown, WV

COMMITTEE CHAIRS

EXTRACTIVE INDUSTRIES COMMITTEE: Andrew Young, Charlottesville, VA
 PUBLIC LANDS MANAGEMENT COMMITTEE: Larry Thomas, Circleville, WV
 RENEWABLE ENERGY COMMITTEE: Larry Thomas, Circleville, WV
 LEGISLATIVE COMMITTEE: Luanne McGovern, Charleston, WV
 ENDOWMENT FUND COMMITTEE: Larry Thomas, Circleville, WV
 FALL REVIEW COMMITTEE: Jackie Burns, Davis, WV
 RIVERS COMMITTEE: Susan Rogers Rosenblum, Davis, WV
 HIGHWAYS COMMITTEE: Hugh Rogers, Kerens, WV
 GRANTS COMMITTEE: Andrew Young, Charlottesville, VA

STAFF

PROGRAM DIRECTOR AND HIGHLANDS VOICE EDITOR-IN-CHIEF: Olivia Miller,
 Morgantown, WV; olivia.miller@wvhighlands.org
 COMMUNICATIONS COORDINATOR AND HIGHLANDS VOICE MANAGING
 EDITOR: Jordan Howes, Morgantown, WV; jordan.howes@wvhighlands.org
 MEMBERSHIP AND OPERATIONS DIRECTOR: Cristyn (Crys) Bauer, Kingwood,
 WV; crys.bauer@wvhighlands.org

MISCELLANEOUS OFFICES

WEB PAGE – DIGITAL PUBLISHING: Dan Radmacher, Roanoke, VA; danrad@mac.com

Federal regulators poised to crack down on coal mine owned by Jim Justice's family

By Willie Dodson, *Appalachian Voices*

On Dec. 10, 2024, the U.S. Office of Surface Mining Reclamation and Enforcement sent a damning letter to the West Virginia Department of Environmental Protection over the state's failure to rein in operations on a wildly non-compliant coal strip mine in Wyoming County, West Virginia.

The letter explained how Bluestone Coal Corporation's Poca #11/Contour #2 Surface Mine has repeatedly failed to control drainage and sediment, reclaim disturbed areas, obtain an engineer's certification of a massive valley fill and renew the mine's surface mining and Clean Water Act permits. Bluestone is owned and operated by the family of Jim Justice, the current governor of West Virginia and soon-to-be U.S. senator.

OSMRE's letter gave West Virginia just 10 days to get its act together before federal regulators conduct their own inspection of the mine and potentially take over environmental enforcement. On Dec. 20, Appalachian Voices contacted the Charleston Field Office of the OSMRE to ask about DEP's response to the notice, and OSMRE's next steps on the matter, but we did not receive a response before publication of this blog.

This federal intervention highlights deep systemic failures in state-level oversight of these operations. Under the 1977 Surface Mining Control and Reclamation Act, most states have been delegated primary authority to permit and regulate coal mining within their borders, but this must be done in compliance with federal regulations.

In this case, OSMRE is following SMCRA's Ten Day Notice procedure to exercise oversight and compel necessary enforcement. The Ten Day Notice rule itself is currently under attack by Republican state attorneys general. Appalachian Voices and other conservation groups, with legal representation provided by the Kentucky Resources Council, are currently engaged in litigation to defend this important citizen



Appalachian Voices, West Virginia Highlands Conservancy, and West Virginia Department of Environmental Protection personnel conducting an inspection of the Poca #2/Contour #11 Surface Mine in February 2024. Photo courtesy West Virginia Department of Environmental Protection

and federal oversight process.

The Poca #11/Contour #2 Surface Mine (referred to here as simply, the Poca Mine) drains directly into Pinnacle Creek, which is protected habitat for the Guyandotte River crayfish, a critically endangered species that is highly vulnerable to heavy concentrations of sediment and other pollutants. Some of the sediment-related violations against the Poca Mine date back to May and June of this year. One violation, issued in June of 2024, was for depositing fill material in a creek without first obtaining a valley fill permit from the US Army Corps of Engineers. The Army Corps sent Bluestone a cease and desist letter for this unpermitted valley fill as far back as 2020.

The Poca Mine is in close proximity to the Sewell Strip #1 Mine, another Justice family operation that was briefly shut down in December 2022 after a coal truck turned over into Pinnacle Creek, resulting in a major pollution event.

"This species once thrived throughout its historic range, yet it now clings to survival in only two streams on Earth — Clear Fork and Pinnacle

Creek in the Upper Guyandotte River watershed," said **Andrew Young, extractive industries committee chair of the West Virginia Highlands Conservancy**. "It has already lost 98% of its native habitat to massive-scale surface mining, and this single Jim Justice family coal mine — with unpermitted valley fills and other ongoing egregious violations — could push the Guyandotte River crayfish to extinction. Instead of protecting these natural wonders, the short-term profits of the greedy Justice family have been prioritized, jeopardizing not only this species but our shared environmental heritage."

In its letter, OSMRE identified 15 distinct violations that have still not been corrected well after the deadlines to do so had passed. OSMRE also called out the WVDEP for failing to identify a pattern of violations on the mine, and for failing to revoke the mining permit, as is required under SMCRA when a permittee fails to comply with a series of escalating enforcement actions.

On Dec. 16, 2023, Appalachian Voices and the West Virginia Highlands Conservancy sent a letter of protest to the WVDEP, objecting to Bluestone's

then-pending application for renewal of the Poca Mine's SMCRA permit. The groups argued that the permit renewal could not proceed unless and until the WVDEP published data it had collected regarding sedimentation and the impacts of mining on waterways that are home to the Guyandotte River crayfish. The groups also requested a site inspection and informal conference.

WVDEP granted our informal conference and site inspection request. **On Feb. 27, 2024, Young, accompanied by West Virginia Highlands Conservancy board member Tyler Cannon, and Matt Hepler, staff environmental scientist at Appalachian Voices, were given access to inspect the Poca Mine under the watchful eye of WVDEP inspectors.** During the inspection, the trio saw firsthand the lack of reclamation and effective runoff and sediment control on the mine.

"I remember being in the Kimball area for work a couple of years ago," said Cannon. "At that time, I saw a Bluestone owned deep mine discharging mine water directly into Laurel Creek. The creek was black for about two miles. After that experience, what we saw on our visit to the Poca Mine was distressing but not surprising. Offsite erosion was widespread enough that it was visible across what remained of the hollow leading into Little Pinnacle Creek. From one 'ridge' to the other was just over a quarter-mile. We should be able to see remaining critical habitats thrive and continue to remain a good home."

During the informal conference on March 7, Appalachian Voices and West Virginia Highlands Conservancy staff and members continued to express alarm over sediment entering Pinnacle Creek and harming the Guyandotte River crayfish due to Bluestone's negligent operations on the Poca mine.

WVDEP had already notified the Justice-owned company on Dec. 20,

continued on page 7

Bottled water vs. tap: which is best for you and the planet?

By Judith Humble, Kentucky Sierra Club

In March of 2017, the Beverage Marketing Corporation, an industry consulting firm, announced that the United States has a new favorite beverage ranking in popularity over all predictable favorites: coffee, tea, soda, beer, and anything alcoholic. Their study indicated that Americans now drink more bottled water than any other packaged beverage.

Though some wellness advocates celebrated this news as indication of higher health awareness in our country, others recognized the ascent of bottled water as a major victory for American marketing. They observed that the meteoric rise of this product is due to a long campaign to convince the public that it is superior to tap water, and a “need,” rather than a “want.”

An article in the trade journal, *Serious Eats* by Robert Moss, documents stages in the marketing campaign which has taken bottled water to its top position. In his words, “First it was sold, then it was normalized, then it was commoditized, and now, it’s being enhanced.” Moss reports that with the introduction of chlorination, tap water has been safe since the earliest 20th century, and that sales of bottled water were once limited. A turning point occurred in 1977, with a successful campaign by Perrier that tapped an increase in health consciousness among Americans, the decline of the 3-martini lunch, and a desire for status.

Consumption of sparkling water became normalized by celebrity testimonials like Orson Wells and Farrah Fawcett, while well-known heavy drinkers, like Richard Burton, celebrated the “clear-eyed” benefits of Perrier over alcohol at lunch, and the tantalizing purity of “spring water.” Although Perrier encountered a benzene contamination, that news was eclipsed by a 1993 outbreak of cryptosporidium (a protozoan) in Milwaukee’s water system.



Afterward, bottled water companies quickly pointed out the benefits of their advanced filtration process over chemical treatments such as chlorination and fluoridation used to treat city water, and purity rose as a selling point for bottled water.

Following the success of Perrier and early competitors, bottled water became normalized as major soft drink companies developed products like Aquafina by Pepsi and Dasani by Coca-Cola. Marketing included terms like “mountain fresh” and images of glaciers to promote water that was most likely pumped from local municipal sources.

Subsequently, exposure to competing brands taught consumers that there was minimal difference between these products, leading many savvy buyers to choose the cheapest brand. Today we see “Enhancement,” the next strategy designed to corner the market. “Enhancement” calls for miniscule additions of flavor or vitamin supplements, which promise a deeper venture into wellness and a sophisticated taste experience. While health benefits may be questionable, it must be admitted that tap water does not taste faintly of berries.

Despite numerous, well-founded criticisms of the environmental foot-

print, unsubstantiated claims of purity, and alleged health benefits, the success of the bottled water industry continues. For Sierrans faced with a choice of what to believe and what to consume, research clearly supports tap water as top-ranked for personal health, your pocketbook, and the environment.

Consider these facts in favor of water from the tap. If you have purity concerns, a water filter for the sink costs as little as \$25.00.

1. Regulation

Tap water is regulated by the EPA; bottled water is regulated by the FDA. Standards are similar.

2. Taste

Research shows that 90% of people cannot distinguish between bottled and tap in blindfolded taste tests.

3. Safety and Contamination

- US tap water is considered some of the safest in the world. Addition of Fluoride protects children’s teeth. Safety can be further enhanced by adding a filter to your sink.
- Micro-plastics: Research shows that bottled water contains twice the number of micro-plastics as tap water, which is concerning given health problems increas-

ingly associated with ingestion. Home water filters have been shown to successfully decrease micro-plastics in tap water.

- At least 50% of bottled water has been shown to be obtained from municipal sources, and even if it has been subjected to a filtration process, it is not rated as safer than bottled water.

4. Environmental Impact

- Energy footprint for production, transport, and refrigeration is 2,000 times greater for bottled water.
- Manufacture of plastic water bottles creates 4 billion lb. of plastic annually.
- Production of a plastic bottle uses an equivalent of one gallon of gasoline.
- Manufacture of plastic for bottled water uses 64 billion barrels of oil annually.
- End Life of most plastics is in landfills and bodies of water, where they leach toxins over hundreds of years. Only 20% of plastic water bottles get recycled.
- Bottled water producers extract water from places that are running dry, including places in California with long-standing drought. This can deplete vital water supplies for nearby communities. The spring allegedly providing water for “Poland Springs” has been dry for 50 years.

5. Cost of Bottled Water Offers Convenience at a Hefty Price

- 1 Gallon US Tap Water costs 0.005 cents.
- 1 gallon bottled water, collected from several bottles costs \$9.87.
- Bottled water is not only more expensive than milk or gasoline, but 2000 times more expensive than tap water.

Federal regulators poised to crack down on coal mine owned by Jim Justice's family

continued from page 5

2023, that the company would be required to address the concerns raised by Appalachian Voices and the West Virginia Highlands Conservancy in their initial letter of protest before the renewal application could be approved. To date, Bluestone has not contacted either organization. As a consequence of this and other failures on the part of Bluestone, the company has still not obtained a renewal of its Poca #11/Contour # 2 SMCRA permit more than a year after the previous permit lapsed.

In effect, this placed the mine in reclamation-only status. As the permit had expired, Bluestone was no longer allowed to extract coal from the area, but was still required to perform reclamation, maintain water pollution controls and abate previously issued violations.

The OSMRE's Ten Day Notice letter makes it clear that Bluestone did none of those things and even went so far as to continue mining coal without a valid permit to do so. Meanwhile, the WVDEP failed to meet its own obligations to enforce multiple orders that mining cease at Poca #11/Contour #2, and failed to follow through on permit

revocation, as required by law under these circumstances.

"A coal company owned by West Virginia Gov. and Sen.-elect Jim Justice's family flagrantly violated numerous environmental regulations for months on end, and the DEP — an agency whose boss is Gov. Jim Justice — did nothing about it," said Young. "Are we surprised? The environmental abuses on this mine are a travesty, as is the obfuscation of responsibility by the DEP. WVDEP does not appear either willing or capable of living up to their obligations under SMCRA, the Endangered Species Act, or the Clean Water Act."

"Our goal is the reclamation of this land and the recovery of Pinnacle Creek," said Cannon. "Justice's companies have ravaged so much of this state and the DEP does next to nothing about it. Someone has to hold Bluestone accountable."

Appalachian Voices and the West Virginia Highlands Conservancy will continue to engage regulators around this mine, and update members and supporters in the coming months.

After decades of advocacy, 2,700 acres of Blackwater Canyon now in public ownership

continued from page 3

for his leadership in championing this cause and to Sen. Capito for her support," Rodd said. "This is a victory for the people of West Virginia — and for our many friends around the nation who have supported this campaign and who treasure the Mountain State's natural beauty."

Rodd added that Friends of Blackwater remains committed to supporting ongoing conservation efforts and ensuring Blackwater Canyon thrives as a haven for recreation, biodiversity, heritage tourism and inspiration.

Send Us a Post Card, Drop Us a Line, Stating Point of View

Please email any poems, letters, commentaries, events, etc. to the Voice editor at jordan.howes@wvhighlands.org or by real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

West Virginia becoming a premier East Coast sky-watching destination

By Clyde Craig, WV Explorer

West Virginia is becoming a premier destination for East Coast sky watchers, thanks to its low light pollution and proximity to major U.S. cities.

The opportunity to live far from city lights but within a drive of a few hours of large metro areas is also attracting new residents.

Night in some parts of West Virginia is so star-spangled that it may seem pre-industrial, says astronomer David Buhrman, who tours the region with telescopes, leading educational programs and advocating for the value of starlight.

"If you want to know what the night looked like in the good old days, come to West Virginia, where the sky can grow brilliant with stars," Buhrman says.

"It's something most Americans have only read about in books."

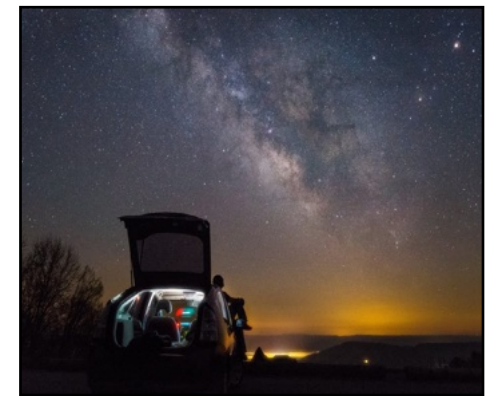
No other region south of the Adirondacks in New York is so free of artificial light, Buhrman said, and three of the very darkest reaches in the east are located within a drive of an hour or two of his observation area in the Allegheny Mountains of eastern West Virginia.

David Sibray, the publisher of West Virginia Explorer Magazine and a real estate agent who specializes in rural real estate, says dark skies have natural appeal for expatriates of urban America.

"Many customers who buy farms and retreats here have been living in cities like D.C. and New York City and have a real interest in getting back to the basics," Sibray says.

"They're looking for a simpler existence, and part of that is walking into the backyard and looking up at the stars."

In addition to their ability to in-



Stargazers park along the remote Highland Scenic Highway in Pocahontas County. (Photo courtesy Jesse Thornton)

spire awe, the dark skies above West Virginia may provide health and quality-of-life benefits, such as stabilizing circadian rhythms.

Astronomer Buhrman suggests that communities that value night-time darkness might encourage developers to employ modern, efficient lighting design.

"Simply putting reflective shields above lights will dramatically improve their efficiency, saving electricity and money while helping to preserve the glorious night sky."

Buhrman operates an observation area, a "dark site" in northern Greenbrier County, a drive of about 35 minutes north of Lewisburg. Readers can learn more about Buhrman and West Virginia Sky Tours and its programming at WVSkyTours.com.

A guide to best practices for maintaining dark skies is available through the International Dark-Sky Association at darksky.org.

Remembering Nick Zvegintzov, Former Conservancy Vice President

By David Elkinton

Nicholas Zvegintzov, a former Regional Vice President of the West Virginia Highlands Conservancy and anti-strip-mining activist, passed away on Jun. 3, 2024, in Staten Island, New York, at age 84.

At a memorial service via Zoom, held on Dec. 7, 2024, a full review of Nick's life emerged. Educated in England, he studied at Oxford with a pioneer in applied mathematics, the forerunner to computer science.

Nick arrived in the United States as an expert in the field just as it was taking off. I remember him telling me, when I asked what he did in Washington DC during our time together in the Conservancy, that he worked on software at the World Bank. I have since learned that he freelanced with many organizations in the early days of computing. Later, in New York, he founded a software newsletter and served as a technology consultant.

But to the Conservancy members of a certain age, Nick Z, as we knew

him, was an outspoken opponent of strip-mining and knew of it first-hand. He had acquired a small house in the community of Duo in Greenbrier County, West Virginia, and often lived there between computer jobs in DC or escaped there to write.

When a strip-mine threatened Duo, he helped organize the community and became active with the Conservancy.

Nick first attended a Conservancy meeting in January 1973, my first as Conservancy president. Over the next seven years, he would write over seventy articles for the Highlands Voice, making him among the most frequent contributors during those years. The index of the Conservancy history, Fighting to Protect the Highlands, where his name appears last (as it did in virtually every alphabetized listing), lists many references to his Duo activism and his role as the Conservancy's correspondent in Washington.

In a 1976 Highlands Voice article, Nick captioned himself the "White



Photo provided by David Elkinton

House correspondent for the Highlands Voice." In a December 1978 article, he announced a great victory,

"On the evening of Nov. 10, without ceremony, President Carter put his signature to the National Parks and Recreation Act of 1978, which designated the New River Gorge National River."

In the Spring of 1980, he resigned as Washington VP and moved to New York, where he remained for the next 44 years.

Over the brief seven years that Nick Z was an active member and officer of the Conservancy, he made a deep impression and shared his life stories with many others over our potluck dinners and annual weekend events.

He made a significant contribution to both his community and the Conservancy. When he moved to New York's Staten Island, it was our loss, but unsurprisingly, he became an activist there, leading several campaigns for civic improvements that I only learned about at his memorial Zoom. Rest in peace, Nick Z.

Top mine regulator can and must halt illegal coal hauling in the Monongahela National Forest

By Willie Dodson, Appalachian Voices

There are few corners of West Virginia as beautiful as the Yew Mountains, a section of the Allegheny range in Greenbrier, Nicholas, Pocahontas and Webster counties. The area includes tens of thousands of acres of the Monongahela National Forest, including the Cranberry Glades and Wilderness Area, home to the largest bog ecosystem in the state and a popular hiking and camping spot for visitors from throughout the country. The headwaters of the Cherry, Cranberry and Williams rivers originate in the Yew Mountains, and make their way west before converging to form the Gauley River,

a world famous kayaking destination and a lynchpin of West Virginia's tourism economy.

But in the headwaters of the South Fork of Cherry River, a swath of land along the boundary of the national forest is being razed for coal and timber, jeopardizing downstream waterways, and the human and ecological communities that depend on them. The logging company Weyerhaeuser owns about 250,000 acres of forestland throughout West Virginia's Allegheny highlands, including vast acreages along the southeastern slopes of the Yew Mountain range. Here, Weyerhaeuser clear

cuts the forest, destroying some of the southernmost stands of red spruce in North America, and South Fork Coal Company strips the land for coal, releasing sediment and other pollutants into pristine waters that are home to native brook trout and the endangered candy darter.

Since 2022, Appalachian Voices has been working closely with our partners, especially the Allegheny-Blue Ridge Alliance and the West Virginia Highlands Conservancy, to scrutinize and challenge South Fork Coal Company's operations in the South Fork of Cherry River, a few miles upstream

from the community of Richwood. In that time, we have filed lawsuits against the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service for allowing South Fork Coal to operate without employing legally required protective measures for the candy darter. We've also sued the US Forest Service for ignoring its obligations under the Endangered Species Act, National Environmental Policy Act and Administrative Procedure Act when it chose to allow the company to truck coal through the Monongahela

continued on page 9

Top mine regulator can and must halt illegal coal hauling in the Monongahela National Forest *continued from page 8*

National Forest.

In addition to these lawsuits, our partners at the Allegheny-Blue Ridge Alliance and West Virginia Highlands Conservancy have watched these mines closely, and filed numerous regulatory complaints against the company with both state and federal regulators.

The enforcement strategies of the West Virginia DEP have proven wholly ineffective. And it could take months or years to resolve these matters in the courtroom, but for the last few weeks of the Biden administration, there is another pathway to addressing some of South Fork Coal Company's worst abuses. Sharon Buccino, the acting head of the Office of Surface Mining Reclamation and Enforcement, could take immediate action to shut down South Fork Coal's illegal coal hauling operation in the Monongahela National Forest.

Under the Surface Mining Control and Reclamation Act, coal mining is prohibited in the national forest, unless a mining company can demonstrate that it had valid existing rights to

extract coal within the forest boundary prior to the passage of the law in 1977. Not only did South Fork Coal Company never attempt to prove valid existing rights when it applied for its mining permits, but it even lied to regulators by stating in the permit for Haulroad #2 that it would not enter federal land, even though the road traverses about a mile of the Monongahela National Forest straddling the border of Pocahontas and Greenbrier counties.

When our friends at the West Virginia Highlands Conservancy first brought this matter to her attention over the summer, Buccino, to her credit, had OSMRE begin the formal process of determining whether South Fork Coal Company has the right to operate on federal lands (spoiler alert: It doesn't).

But now we need Buccino to go one step further while she still has the ability to do so. It is morally and legally indefensible for the OSMRE to allow South Fork Coal Company's continued flagrant violation of federal law,



Kayakers and rafts on the Gauley River National Recreation Area, downriver from South Fork Coal Company's mines. Photo by Andrew Young

and desecration of public land, while the agency investigates the company's claims of valid existing rights. Therefore, Buccino must immediately issue a cessation order against Haulroad #2.

Before working at the OSMRE, Buccino had a long career with the Natural Resources Defense Council, where she was key to successful efforts to designate Bears Ears National Monument in Utah, thus preserving a unique landscape that is sacred to Native peoples.

Her previous work affords Buccino a degree of good will and trust among some Appalachian conservation and environmental justice advocates, that, frankly, we do not always feel for the figureheads of federal regulatory agencies.

I am hopeful that in the waning days of the Biden administration, Buccino will recognize this important opportunity to further cement her legacy as an advocate for public lands and pristine places by immediately halting South Fork's illegal coal-hauling through the Monongahela National Forest. On Dec. 12, 11 conservation organizations, led by the Allegheny-Blue Ridge Alliance, West Virginia Highlands Conservancy and Appalachian Voices sent Buccino a letter asking her to do just this.

As our lawsuits wind their way through the courts, South Fork Coal Company continues to devour the Yew Mountains and dump their crumbs into the Cherry River. But action from Sharon Buccino can right this wrong.

BECOME A WVHC MEMBER

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Membership categories (circle one)

	Individual	Family	Org.
Senior	\$15		
Student	\$15		
Introductory	\$15		
Other	\$15		
Regular	\$25	\$35	\$50
Associate	\$50	\$75	\$100
Sustaining	\$100	\$150	\$200
Patron	\$250	\$500	\$500
Mountaineer	\$500	\$750	\$1000

Mail to West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321

West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful
 You may also join online at www.wvhighlands.org

Meet the new Managing Editor of The Highlands Voice

My name is Jordan Howes and as a lifelong West Virginian, I've always felt a deep connection to the mountains, rivers and forests that make our state so special. Growing up in Morgantown, I spent countless hours exploring West Virginia's wild spaces, with Lost River and Holly River state parks holding some of my fondest memories. Those experiences shaped not only my love for the outdoors but also my belief in the importance of protecting our state's natural heritage.



Photo captured by Courtney Kline with Captures from Court photography

With a background in English and professional writing from West Virginia University, the early stages of my career have been built around advocacy and storytelling. I've always been drawn to the power of words—to inform, to inspire and to connect people to the causes that matter. That's why I'm thrilled to step into the role of communications coordinator at the West Virginia Highlands Conservancy, where I can help share the stories of those working to preserve West Virginia's landscapes for generations to come.

I look forward to engaging with this incredible community, learning from your experiences and working together to promote a sustainable future for the Mountain State. Whether through this publication, social media or in person at events, I hope to amplify voices, foster dialogue and encourage action. Our mountains, waterways and forests deserve nothing less.

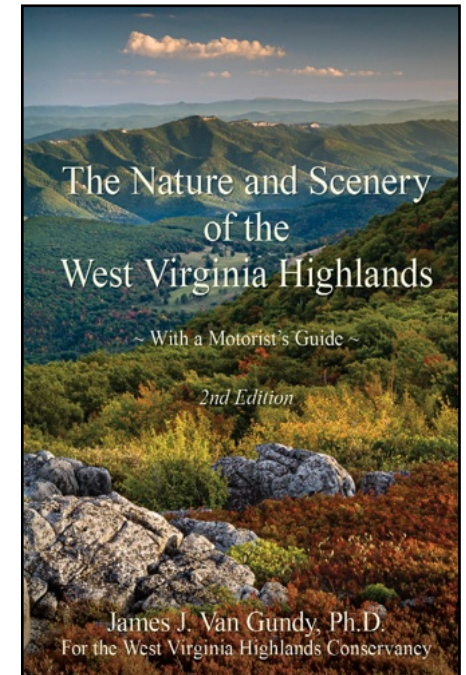
I'm excited to get started and work to protect the place I call home!

Explore the West Virginia Highlands with Jim Van Gundy's Updated Guide

The second edition of Jim Van Gundy's *The Nature and Scenery of the West Virginia Highlands: With a Motorist's Guide* is now available through the West Virginia Highlands Conservancy's online store! This expanded guide combines Van Gundy's expertise with newly added scenic routes, updated natural history sections, and stunning photographs by Kent Mason.

Originally self-published in 2022, Van Gundy's guide sold out due to high demand over its initial release period. The book now returns with even more to explore. Divided into two parts, it begins with an in-depth look at the Highlands' geology, ecosystems, and wildlife, followed by a *Motorist's Guide* featuring 33 scenic highway routes packed with must-see locations and historical insights.

Perfect for locals and travelers alike, this guide complements the Monongahela National Forest Hiking Guide, offering a car-friendly way to delve into the Highlands' natural and



cultural treasures.

Order now for \$29.95 plus shipping from wvhighlands.org or send payment to: West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321. All proceeds support preserving this breathtaking region for future generations!

Leave a legacy of hope for the future

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard for years to come.

Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life in the mountains. Contact crys.bauer@wvhighlands.org

Are you on our email list?

Signing up to receive emails from the West Virginia Highlands Conservancy is your gateway to staying actively engaged in conservation efforts and volunteer opportunities in West Virginia.



Staying informed with our action alerts will empower you to advocate for environmental policies that matter the most. **Sign up today at bit.ly/WVHCemailsingup**

Conservation group asks nation's top mine regulator to shut down illegal coal haul road in Monongahela National Forest

On Dec. 12, 11 conservation organizations urged the federal Office of Surface Mining Reclamation and Enforcement to take immediate action to close an illegal coal haul road in the Monongahela National Forest in Greenbrier and Pocahontas Counties, West Virginia. In a letter addressed to the agency's leadership, the groups explained that South Fork Coal Company falsely claimed that its Haulroad #2 would not enter national forest land when it obtained its state mining permit in 2011. Under federal law, surface coal mining operations and impacts are prohibited in the national forest unless a coal company had "valid existing rights" established prior to the passage of the Surface Mining Control and Reclamation Act of 1977.

Haulroad #2 is used to truck coal from South Fork Coal Company's 1,200-acre Rocky Run Surface Mine to a coal preparation plant near Rupert, West Virginia. Both the road and the mine discharge pollutants into designated critical habitat for the endangered candy darter in the South Fork of Cherry River. Both have been cited numerous times in recent years for various environmental violations, including failures to control sediment and prevent pollutants from entering adjacent waterways.

The Rocky Run Surface Mine and Haulroad #2 are about six miles from the popular Cranberry Glades Wilderness Area and only two miles from the Falls of Hills Creek Scenic Area. The South Fork of Cherry River and its tributaries are pristine headwater streams that ultimately flow into the Gauley River, a world-class whitewater rafting, kayaking and tourism destination.

Many of the conservation groups signed onto today's letter are currently engaged in litigation with the U.S. For-



Coal truck impacts on Forest Service Road 249, which South Fork Coal Company uses to transport coal from the Rocky Run Surface Mine to Haulroad # 2. Photo courtesy of Kanawha Forest Coalition.

est Service, U.S. Fish and Wildlife Service and Office of Surface Mining Reclamation and Enforcement over failures to enforce the Endangered Species Act, National Environmental Policy Act, Administrative Procedure Act, and Surface Mining Control and Reclamation Act requirements with respect to South Fork Coal Company's operations and their impacts upon public lands, the endangered candy darter, and its protected critical habitat.

The letter was penned by Andrew Young, an attorney with the Allegheny-Blue Ridge Alliance, on behalf of West Virginia Highlands Conservancy, Appalachian Voices, Greenbrier Watershed Association, West Virginia Native Fish Coalition, Coal River Mountain Watch, the Kanawha Forest Coalition, Christians for the Mountains, the West Virginia Chapter of the Sierra Club, West Virginia Rivers Coalition and the Alliance for Appalachia.

In the letter, Young explained how

South Fork Coal Company failed to disclose that Haulroad #2 would cross national forest land. The company only attempted to make the case that it possesses "valid existing rights" to operate the road after the West Virginia Highlands Conservancy alerted federal officials of the matter over the summer. OSMRE is now investigating whether the company holds these rights.

The conservation groups are asking OSMRE Deputy Director Sharon Buccino, an environmental attorney currently running the agency, to issue an order halting coal hauling on the road until that determination is made.

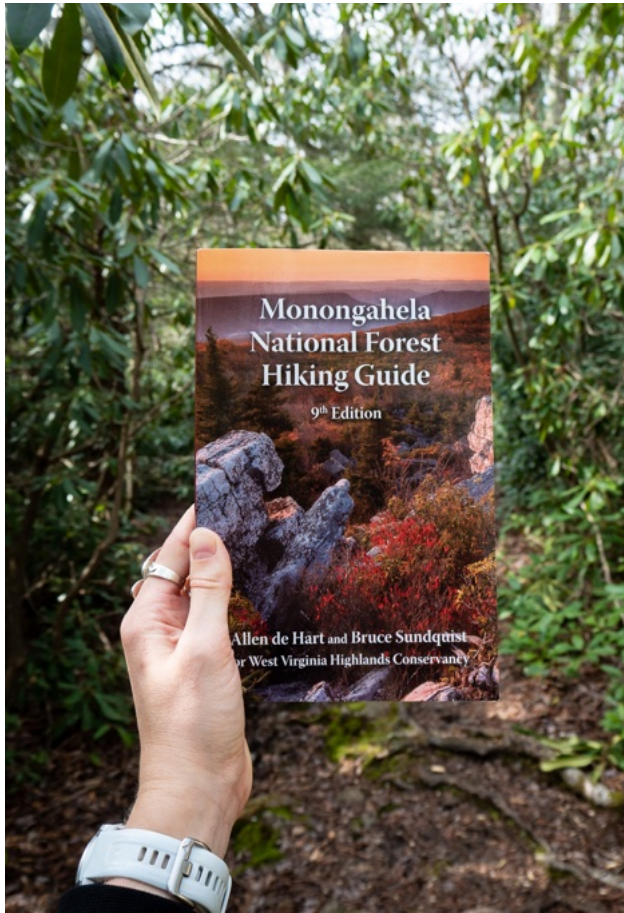
"South Fork Coal Company has turned our national forest into its own private industrial roadway, endangering wildlife, waterways and entire communities," Young said. "This is a blatant betrayal of our environmental laws — and an insult to everyone who treasures public lands and iconic Appalachian species like the candy darter.

OSMRE and Buccino now have a defining opportunity to show that federal safeguards for public trust resources are more than hollow promises — close this illegal route today and prove to the nation that our forests, our wildlife and our communities will not be sacrificed for King Coal."

"West Virginia's forests and waters are the backbone of a blossoming ecotourism economy — one that supports local businesses and uplifts entire communities," said **Willie Dodson of Appalachian Voices**. "There is a little over a month left in this administration. Deputy Director Buccino must seize this moment to stand up for our national forests and for the communities of the Cherry River watershed. Protecting the Monongahela shows the country that we value our natural heritage, our wildlife and the livelihoods of those who depend on a healthy environment.

The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose: The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.

Hit the trails with our Mon National Forest Hiking Guide



Celebrating the 50th anniversary of the West Virginia Highlands Conservancy, the new edition of the treasured guide to every trail in the Monongahela National Forest features brand-new topographic maps and Kent Mason's gorgeous photos, all in color.

The Guide has been updated with the cooperation of National Forest District Rangers and Recreation Specialists to reflect changes in the past ten years:

- newly designated wilderness areas
- new trails near campgrounds and sites of special significance
- a new complex of interconnected trails on Cheat Mountain
- rerouted and discontinued trails
- ratings for difficulty, scenery, access to water, and much else

The definitive guide to the Mon adds a wealth of information about history, wildlife, and botany; safety, preparation, and weather; horseback and mountain bike riding and cross-country skiing; as well as sources of further information on the Forest and its environs.

The Monongahela National Forest has long been known as a 'Special Place.' The hiking, backpacking, and cross-country skiing opportunities it provides are among the best in the eastern U.S. New wilderness and backcountry trails have been added to the outstanding areas we have appreciated for decades – Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Wilderness -- and there are lesser-known gems to be found in between.

Profits from the sale of these guides support a wide variety of worthy environmental projects for the West Virginia Highlands Conservancy.

Send \$21.95 plus \$4.87 shipping to: West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321 OR order from our website at www.wvhighlands.org

Get your I ❤️ MOUNTAINS and WVHC gear at our online store!

Show your love for the mountains with our range of bumper stickers, cotton tees, hats, onesies, toddler tees and Hydro Flasks. Shop now at wvhighlands.org



wvhighlands.org



@wvhighlandsconservancy



info@wvhighlands.org